

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Hubbell Homes,
Petitioner-Appellant,

v.

Dallas County Board of Review,
Respondent-Appellee.

ORDER

Docket No. 09-25-1088
Parcel No. 16-05-235-016

On June 25, 2010, the above-captioned appeal came on for hearing before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellant Hubbell Homes was represented by Attorney R. Michael Hayes of Hubbell Realty Company, West Des Moines, Iowa. It did not participate in the hearing or submitted new evidence in support of its petition. The Dallas County Board of Review designated County Attorney Wayne Reisetter as its legal representative. Assessor Steve Helm appeared on its behalf at hearing but did not submit additional evidence. The Appeal Board now having reviewed the record, heard the testimony, and being fully advised, finds:

Findings of Fact

Hubbell Homes, LC, owner of property located at 1260 SE Waddell Way, Waukee, Iowa, appeals from the Dallas County Board of Review decision reassessing its property. The real estate was classified residential for the January 1, 2009, assessment and valued at \$204,370; representing \$41,200 in land value and \$163,170 in the improvement value. Hubbell protested to the Board of Review on the ground that the property was assessed for more than authorized by law under Iowa Code section 441.37(1)(b). In response to the protest, the Board of Review notified Hubbell that the January 1, 2009, assessment would not be changed stating, "property owner/agent failed to substantiate burden of proof."

Hubbell then appealed to this Board on the same ground. Hubbell seeks \$26,470 in relief and values the property at \$177,900.

According to the property record card, the subject property is a two-story, frame dwelling built in 2006 with 1610 square feet of living area. The subject property has a 464 square-foot, attached garage, and the site consists of 0.166 acres. It is in normal condition and has a 3-5 quality grade.

Hubbell did not appear at hearing or submit any new evidence. The only data submitted is a plain statement on their petition to the Board of Review and to this Board. That states, "This home is an alley loaded product, which has not proven to be popular to date. This home was constructed in 2006 and has not sold. The current list price is \$199,900 and the owner is going to have to further reduce the price and/or offer owner concessions in order to sell the property. Finally, the home located at 1395 SE Waddell Way was of the same floor plan and it sold for \$197,900, not including \$20,000 in owner concessions (basement finished at no cost to buyer)."

Steve Helm, Dallas County Assessor, represented the Board of Review at hearing. Since Hubbell failed to appear for the hearing, Helm chose to not testify or make a professional statement.

Hubbell offered very little, if any, relevant evidence to support their opinion that the market value of the property is less than the current assessment. Therefore, we find there is insufficient evidence to support the claim that the subject property is over-assessed.

Conclusions of Law

The Appeal Board based its decision on the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only

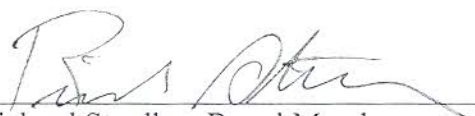
those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sales prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property "shall be one hundred percent of its actual value." § 441.21(1)(a).

In an appeal that alleges the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b), there must be evidence that the assessment is excessive and the correct value of the property. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995). Hubbell did not provide this Board with persuasive evidence that the current assessed valuation is more than authorized by law. We, therefore, affirm the assessment of the subject property as determined by the Dallas County Board of Review as of January 1, 2009.

THE APPEAL BOARD ORDERS that the assessment of the Hubbell Homes, LC property, located at 1260 SE Waddell Way, Waukee, Iowa, as of January 1, 2009, as set by the Dallas County Board of Review, is affirmed.

Dated this 20 day of August, 2010.


Richard Stradley, Board Member


Jacqueline Rypma, Board Member

Copies to:

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>8.20</u> , 2010.	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	